

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : **PA SUPREME COURT NO. 30 MM 2020**
:
Criminal Section Cancellations and :
Revised Scheduling Protocols¹ : **DELAWARE COUNTY NO. 5120-17**

FOURTH EMERGENCY ORDER EXTENSION – CRIMINAL SECTION

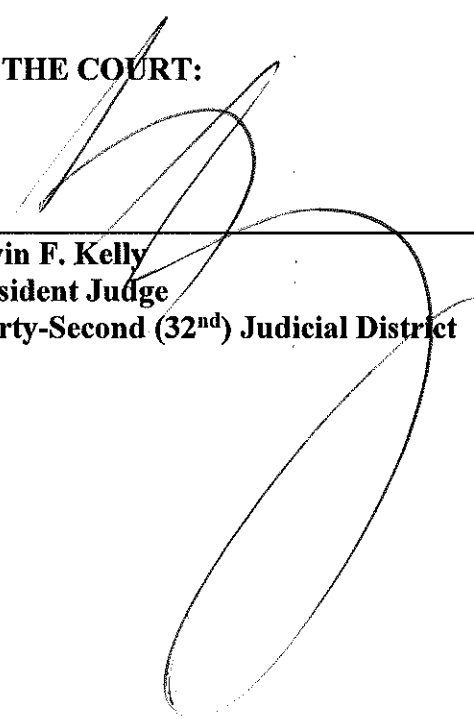
AND NOW, this 22nd day of January, 2020, this court having previously declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once again extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court sanctioning the same,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the liaison judge that the attached criminal section cancellations and/or revised scheduling protocols **SHALL** become **EFFECTIVE IMMEDIATELY** and continue through and including **APRIL 30, 2021**.³

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.⁴

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within

Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁵

BY THE COURT:



Kevin F. Kelly
President Judge
Thirty-Second (32nd) Judicial District

¹ See Emergency Order – Criminal Section dated May 27, 2020; Emergency Order – Criminal Section, *as Amended*, dated June 5, 2020; Emergency Order – Criminal Section, *as Amended*, dated June 30, 2020; Emergency Order – Criminal Section, *as Amended*, dated July 8, 2020; Second Emergency Order Extension – Criminal Section dated July 24, 2020; Third Emergency Order Extension – Criminal Section dated October 20, 2020; and Third Emergency Order Extension – Criminal Section, *as Amended*, dated December 18, 2020.

² See Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; April 1, 2020, pp. 1-3; April 28, 2020, pp. 2-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration Extension dated April 28, 2020; Third Emergency Declaration Extension dated May 27, 2020; Fourth Emergency Declaration Extension dated July 8, 2020; Fifth Emergency Declaration Extension dated October 20, 2020; and Sixth Emergency Declaration Extension dated January 22, 2021. See also Pa.R.J.A. No. 1952(B)(1)(2).

³ See *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections greater at Delco jail - Jail: Nearly half of inmates tested had virus; infection rate 50 times that of the population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“... Pa. reports biggest one-day increase since June 5... . Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increases from 23 to 32 per 100,000 persons.); July 16, 2020, Section A, pp. 1, 6 (“New Pa. limits as cases rising ... After averaging about 400 new cases a day less than a month ago, this state is now averaging close to 800. Case counts have increased in 43 counties and the percentage of people testing positive has increased in 28 counties”); July 20, 2020, Section A, pp. 1, 9 (Three (3) of the five (5) municipalities having the greatest number of Coronavirus cases per 10,000 residents within southeastern Pennsylvania are Delaware County communities.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); July 23, 2020, Section A, pp. 1, 9 (Delaware County's seven (7) day average of newly reported cases has increased 220% since June 27, 2020.); July 29, 2020, Section A, pp. 1, 6 (Since June 27, 2020, the daily average of new cases has increased 379% growing from 16 to 75.); July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday - an increase of 398% ‘We are concerned with what we have seen from Delaware County,’ ... Nate Wardell, a spokesperson from the state Health Department, said... .”); August 14, 2020, Section A, p. 1 (“... Pennsylvania Health Secretary ... cited ... Delaware County as [an] area[] in the state with high community spread of the coronavirus. Delaware County's per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); August 20, 2020, Section A, pp. 1, 3 (“... Delaware County currently has the highest [COVID-19] rate [per 100,000 residents] in the region. ...”); October 7, 2020, Section A, p. 1, 8 (“Pennsylvania ... [is] entering October with coronavirus case levels at the highest they have been since the end of spring. Since the end of August, the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania”); October 8, 2020, Section A, p. 9 (“... [S]ince the end of August the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania. Compared with a month ago, average new cases a day have jumped by more than 400 in Pennsylvania, surpassing 1,000 per day last week”); October 11, 2020, Section B, p. 2 (“Pa. virus cases hit 6-month high ... Pennsylvania reported its highest number of confirmed coronavirus infections in six months”); October 13, 2020, Section B, pp. 1, 8 (“The average number of new coronavirus infections being diagnosed in Pennsylvania ... showed no signs of slowing, even after warnings last week from officials advising the public to double down on safety practices. ... The Commonwealth was averaging 1,300 new cases a day over the last seven days Delaware County [has] seen [a] rise[] in recent days. Using 14-day totals of new cases per 100,000 people, ... Delaware County went from 94 to 125”); October 16, 2020, Section A, p. 8 (“Pennsylvania reported 1,598 new coronavirus cases, the highest one-day count since April 24 and the 10th, day in a row new cases have

exceeded 1,000. The commonwealth is now averaging 1,370 new cases a day, the highest daily average since April 14, right after the pandemic's first peak.”); October 23, 2020, Section A, p. 8 (“... Delaware ... Count[y] ... [has] more than 2,000 per 100,000 residents, well above the threshold the state deems safe.”); October 29, 2020, Section A, pp. 1, 3 (“Pennsylvania's fall coronavirus surge has surpassed the state's April peak in new cases, the rising metrics continued sounding alarm bells on a day when Pennsylvania's average daily number of new cases rose above 2,000 for the first time during the pandemic,”); November 5, 2020, Section B, pp. 1, 9 (“The coronavirus pandemic continued to escalate across the region daily increases are now even higher than in the springtime peak. ... [A]n infectious disease specialist ... said in an interview that the trends are dangerous, an expert's fear worse is to come.”); November 6, 2020, Section B, pp. 1, 4 (“As new coronavirus cases in Pennsylvania ... soar past levels that prompted shut downs in the spring the Pennsylvania Department of Health on [November 5, 2020] reported an unrepresented daily increase of ... COVID-19”); November 8, 2020, Section B, pp. 1, 4 (“Over the last four weeks, rates of new known coronavirus cases have at least doubled in ... every county in the Philadelphia area.”); November 10, 2020, Section B, pp. 1, 3 (“At the pandemic's eight month mark, Pennsylvania is in the midst of a streak of about 3,000 cases a day in the Philadelphia region, Delaware County has the highest positivity rate of 7.6%”); November 12, 2020, Section B, pp. 1, (“A second pandemic wave is ... in the region nearly nine months after the forced shutdowns Hospitals in Delaware County in recent days became so inundated with COVID-19 that they are turning away ambulances”); November 13, 2020, Section A, pp. 1, 6 (“All five of Delaware County's hospitals were at capacity earlier this week and had to divert patients Pennsylvania reported that it had received 5,488 new positive-test results and for the first time in the pandemic it averaged more than 4,000 cases a day in the seven-day period In Delaware County, cases are close to where they were at the spring pandemic peak”); November 16, 2020, Section B, pp. 1, 5 (“Pennsylvania's daily average has increased every day since mid-October, but in November the number has soared.”); November 17, 2020, Section A, pp. 1, (“With nearly 10,000 new infections reported in Pennsylvania between Sunday and Monday ... leaders across the region urged renewed intensity in the face of pandemic fatigue... . The statewide positivity rate has increased to 9.6% from 6.8%”); November 18, 2020, Section A, pp. 1, 6 (“Pennsylvania's top health official issued a broader mask mandate, a bid to force people to wear face coverings as coronavirus case numbers continue to soar over the last four weeks rates of new known coronavirus cases have at least tripled in every county in the Philadelphia area.”); November 20, 2020, Section A, pp. 1, 10 (“... [T]he coronavirus [is] spreading faster than ever, Pennsylvania reported more than 7,000 new cases Thursday, breaking its record for the third straight day. In just two weeks, Pennsylvania has gone from an average of 2,500 new cases a day to 5,700 cases a day ‘The county has now exceeded the highest number of COVID-19 outbreaks since the height of the pandemic.’ ”); December 4, 2020, Section A, p. 1 (“Pennsylvania shattered its record for coronavirus cases logged in a single day by a staggering amount ... , reporting more than 11,000 new infections All but eight of Delaware County's ICU beds were filled, state data showed.”); December 10, 2020, Section A, pp. 1, 6 (“Pennsylvania officials have been considering a new statewide ban on indoor dining and mandatory closures of gyms and casinos, their most stringent steps this fall to combat soaring coronavirus cases and hospitalizations, Pennsylvania's seven-day average of new cases per date neared 10,000 on Wednesday”); December 11, 2020, Section A, pp. 1, 6 (“Until Jan. 4, Pennsylvania will shut down indoor dining, suspend school sports and extracurriculars, close all casinos, gyms, and other entertainment venues, lower retail occupancy limits, and sharply reduce the number of people allowed to gather in one place The new restrictions come at a point when the state's daily case numbers have sky rocketed with more than 10,000 people newly infected each day for five out of the last eight days,”); December 16, 2020, Section A, pp. 1, 14 (“... Pennsylvania reported its highest single-day death toll from COVID-19 since May and said nearly 6,300 virus patients were hospitalized across the commonwealth, twice the total from the same point last month. Pennsylvania surpassed 500,000 confirmed cases of the virus, reporting 9,556 new cases.”); January 9, 2021, Section A, pp. 1, 5 (“For the first time since mid-December, Pennsylvania on Friday reported more than 10,000 newly confirmed positive cases Over 700,000 Pennsylvanians have tested positive for the virus,); and January 15, 2021, Section A, pp. 1, 2 (“January is on pace to become Pennsylvania's deadliest month of the pandemic, It is a continuation of a surge that has seen more than 8,300 Pennsylvanians reported dead since

Dec. 1, With the case surge not over yet, the death toll will keep growing; Philadelphia, its Pennsylvania's suburbs, ... have all experienced surges in the death toll since the end of November,"). *See also* Orders dated March 16, 2020; March 18, 2020; March 24, 2020; April 1, 2020; April 28, 2020; and May 27, 2020 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. *See additionally* Emergency Declaration dated March 17, 2020; Order Extending Emergency Declaration dated April 2, 2020; Second Order Extending Emergency Declaration dated April 28, 2020; Third Order Extending Emergency Declaration dated May 27, 2020; Fourth Order Extending Emergency Declaration dated July 8, 2020; Fifth Order Extending Emergency Declaration dated October 20, 2020; and Sixth Order Extending Emergency Declaration dated January 22, 2021.

The appended criminal section protocol differs materially from the immediate past such directives (December 19, 2020), inter alia, by restoring sectional operations to the pre-holiday hiatus status of six (6) criminal judges contemporaneously sitting in a given week, as well as expands the number of penal facilities from which inmates may for purposes of in-person proceedings be custodially transported. See Attached Criminal Section Emergency Cancellations and Revised Scheduling Protocols dated January 22, 2021. See also Third Emergency Order Extension – Criminal Section, as Amended, dated December 18, 2020-Attached Protocol, and Third Emergency Order – Criminal Section dated October 20, 2020-Attached Protocol.

Beyond the *temporary*, monthly calendars, the changes adopted by this order for ease of reference have throughout the appended protocol been underlined. *See* Criminal Section Emergency Cancellations and Revised Scheduling Protocols dated January 22, 2021.

⁴ *See* Endnote No. three (3).

⁵ *See* Orders dated March 16, 2020, p. 2; April 1, 2020, pp. 2-3; April 28, 2020, p. 3; and May 27, 2020 p. 2, Fn. 1 - Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

DELAWARE COUNTY COURT OF COMMON PLEAS

CRIMINAL SECTION EMERGENCY CANCELATIONS AS WELL AS REVISED SCHEDULING AND OPERATIONAL PROTOCOLS, EXTENDED AND AMENDED

PURPOSE

Recognizing that the Supreme Court of Pennsylvania has directed, *inter alia*, that the Commonwealth's judicial districts while remaining focused on the discharge of critical court functions must now additionally make constant best efforts in all other type matters to accomplish a more full-scale processing of cases, subject to the constraining safety considerations brought about by the ongoing COVID-19 public health crisis,¹ this court in consultation with core systematic stakeholders has developed and implemented the below described plan as the continuation of what is yet anticipated to be numerous purposefully measured, operational increments realizing the balance between the upmost concern of the judiciary for the safety of the court staff, all counsel, every litigant, the various witnesses of the parties, and the public generally,² while also being mindful of the necessity to once more provide with regularity the timely administration of justice.

That directed below as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court without advanced notice and modified to meet the evolving concerns presented by the continuing coronavirus public health crisis.

GENERAL SAFETY and OPERATIONAL DIRECTIVES

ALL civil and criminal jury trials remain **SUSPENDED** and relatedly jury duty also continues to be **POSTPONED**, until further notice.³ The District Court Administrator will in concert with other salient court personnel (E.g. court electronic recording and/or jury assembly), as well as material county officials (E.g. facilities management and/or IT), continue working to finalize a plan for jury trial resumption.

For **ALL** *in-person* proceedings of any type and regardless of whether the listing also has some advanced communication technology ("ACT") participants, **NO ONE** other than the parties and/or witnesses, as well as counsel, will be permitted in the courtroom-hearing room and/or about the interior of the Delaware County courthouse-government center generally, absent a specifically reasoned basis to the contrary, including but not limited to a needed, Administrative Office of Pennsylvania Courts certified interpreter and/or a family member and/or some type of health aid assisting an infirm party and/or witness in navigating his or her way about the courthouse complex, as well as a parent and/or guardian accompanying a juvenile witness/complainant and/or party less than twenty-one (21) years old. Otherwise, **NO** spouses, significant others, family members and/or friends of any party and/or witness

will be permitted access to the Delaware County courthouse-government center until further notice, unless he or she is as well a party to the proceeding and/or a witness.

The Delaware County courts (32nd judicial district) for purposes of ACT on the recommendation of the county's IT department utilize Microsoft Teams and/or because of its existing hardware configurations already throughout the systematic structures, including the George W. Hill Correctional Facility, Polycom. The use of other ACT's (*E.g.* Zoom) may at the discretion of the presiding judge be permitted.

Victims-complainants having a right to be present in court for listings of their criminal case, juvenile delinquency matters and/or protection from abuse actions may also attend all such schedulings. The complainant-victim may be accompanied by one (1) person when so appearing *in-person* and as the victim-complainant believes best that individual may be a family member, friend, and/or victim advocacy organization representative. The Delaware County District Attorney's Office must in advance timely notify the Delaware County Park Police via email at ParkPoliceDailyCourtList@co.delaware.pa.us of any victim-complainant intending to attend *in-person* a criminal, juvenile delinquency and/or PFA – indirect contempt listing, as well as who, if anyone, will then be escorting that specific victim-complainant. The complainant-victim and the person, if any, accompanying her or him on entering the courthouse are to proceed directly to the assigned courtroom. Likewise, the victim-complainant and any individual escorting him or her **MUST** immediately on the proceeding's conclusion directly leave and exit the courthouse-government center complex.

Subject to the direction of the presiding judge otherwise, **ALL** witnesses on arriving in the vicinity of the courthouse **MUST** remain waiting in his or her vehicle until contacted by the lawyer or self-represented party calling the person that he or she is now for purposes of testifying to enter the courthouse. On entering the courthouse the witness is to go directly to the assigned courtroom. Every witness immediately on the conclusion of his or her testimonial appearance **MUST** directly leave and exit the courthouse, unless the presiding judge directs to the contrary.

Credentialed members of the media will be allowed to attend any and/or all proceedings and are to arrange in advance for the same through District Court Administrator Gerald C. Montella, Esquire (610 891-4557). (Should the level of press attention in a given matter be of such a nature that permitting all requesting media members *in-person* access be contrary to then applicable public health guidelines (*E.g.* social distancing in the courtroom because of the appreciable numbers present not possible), the District Court Administrator in collaboration the interested press will create a pool of representative media members to attend *in-person* the court proceedings.)

Unless the presiding judge and/or another judicial officer directs to the contrary, credentialed press members will still be able to listen to audio recordings of court proceedings at the Office of Court Electronic Recording as arranged through its Director Richard J. Coogan (610 891-4477). No more than one (1) media representative may at a given moment be in the Court Electronic Recording Office.

Should a member of the general public want access to a certain court proceeding he or she was currently not permitted to attend *in-person*, arrangements may be made immediately subsequent to any such listing's conclusion for a person to review an audio recording of a particular hearing, unless the presiding judge and/or another judicial authority via his or her order directs otherwise, by arranging through its director, Richard J. Coogan (610 891-4477), to listen at the Court Electronic Recording Office to the same.

ALL interested persons should plan to arrive at the courthouse approximately thirty (30) minutes prior to the listing's schedule start to allow sufficient time to work through both the below referenced security and health screening processes. Take note that individuals arriving appreciably earlier than their set time may then be refused entry by the park police to prevent unnecessary loitering about the courthouse and/or courtrooms-hearing rooms.

ALL individuals entering the Delaware County courthouse-government complex **MUST** first undergo a COVID-19 health assessment, including but not limited to the taking of temperatures, by the Delaware County Park Police.⁴ Based on the outcome of this coronavirus screening assessment, the involved Park Police Officer at his or her discretion may prohibit a person from entering the courthouse-county government complex. Park police personnel will promptly make the presiding judge aware as applicable should an individual based on the health screening not be permitted entry, including but not limited to lawyers, parties and/or witnesses. If a litigant and/or witness refused entry on health considerations cannot identify the judge before whom he or she is to then appear, contact is to be promptly made for such assistance with the Court Administrator's Office (Ext. 4550).

As it relates **SOLELY** to criminal defendants, those declined entry because of the health assessment's results will be asked to remain outside the building and/or another location the Park Officer may direct pending the assigned judge's chambers providing a date for that accused to return and the defendant executing as well as being provided a copy of such a written criminal notice form.

In addition to having successfully undergone the COVID-19 health screening, **ALL** persons entering the courthouse-government center **MUST** otherwise be in **FULL COMPLIANCE** with **ANY** federal and/or state directives then in place to stem the coronavirus spread, including but not limited to the proper wearing of a recommended mask.

ANY litigant, lawyer, witness and/or other interested party experiencing a dry, persistent cough, shortness of breath-difficulty breathing, chills, muscle pain, sore throat, headache, a loss of smell or taste without congestion, and/or a fever greater than 99.5 Fahrenheit if taken with a temporal thermometer **MUST NOT** report as scheduled, but rather **PROMPTLY** notify the assigned or presiding judge's chambers that he or she is suffering from such symptoms. (If unaware of the assigned and/or presiding judge, an interested party should instead contact promptly the Court Administrator's Office – 610 891-4550.)

ANY litigant, lawyer, witness and/or other interested party having been past tested and/or diagnosed by a physician positive for COVID-19 **MUST NOT** report as scheduled, but instead

PROMPTLY notify **PRIOR TO THE LISTED DATE** the Court Administrative Office of the same (610 891-4550) and follow the directions that office then provides.

ANY litigant, attorney, witness and/or other interested party wanting to appear and participate via some type of ACT for documented medical cause (*E.g.* stemming from an underlining medical condition, one is more vulnerable to the impact of COVID-19 and has been directed by a treating physician to avoid public settings) in lieu of *in-person* **MUST** notify the assigned and/or presiding judge ***no less than three (3) business days prior to the scheduled date*** to allow for those necessary arrangements to be made by the Legal Audio Visual Department, if reasonably possible. These applications will for now be otherwise allowed subject to applicable constitutional limitations, if any,⁵ or the listing continued to a future date should constitutional concerns dictate such and/or should the involved judge believe in the exercise of his or her discretion that the nature of the proceeding and/or individual requesting remote participation would otherwise be contrary to material law and/or occasion a party to suffer actual prejudice. (*E.g.* The inability of the factfinder to visually observe a witness only available to testify aurally by telephone.) A party represented by a lawyer **MUST** first direct any such concerns about participating via some type of ACT to his or her counsel, and witnesses similarly in the first instance are to initially bring these issues to the attention of the attorney subpoenaing his or her appearance and subsequently the court only if the witness and involved counsel cannot make such mutually agreeable arrangements as the presiding and/or assigned judge may approve, and subject to that which the Legal Audio Visual Department can timely and reasonably arrange.

In the event a self-represented litigant, lawyer, and/or other interested party does not know the assigned and/or presiding judge to whom a request to appear and participate via some manner of ACT should be submitted, such inquires consistent with the above three (3) business day advanced notification are to be directed to the Court Administrator's Office (610 891-4550).

ALL *in-person* listing days **MUST** be held in a manner to reasonably restrict COVID-19 exposure and undertaken wholly consistent with the Centers for Disease Control and Prevention coronavirus guidelines, as well as any other such federal, state and/or county public health directives, including but not limited to presently social distancing and/or the proper wearing of an appropriate mask.

ALL courtrooms – hearing rooms utilized for proceedings will on the conclusion of a given day's cases be sanitized, as will those areas of the courthouse commonly used for individuals to get to and from a courtroom – hearing room (*E.g.* courthouse's public elevators and the stairwell to the second floor).

The judges will forward in advance to the Delaware County Park Police through Superintendent Scott D. Mahoney a list of **ALL** cases scheduled on a given day, including but not limited to the names of any interested parties expected to appear, as well as counsel. Such information is to be timely forwarded by email as follows: ParkPoliceDailyCourtList@co.delaware.pa.us.

For **ANY AND ALL** evidentiary hearings, the attorneys and/or self-represented parties **MUST** provide the presiding judge with a list naming **ALL** reasonably expected witnesses no later than one (1) full business day prior to any such scheduling. (The presiding judge most certainly may in his or her

discretion direct counsel and/or the parties in whatever format he or she believes best for such a witness list to be submitted (*E.g.* as part of a pre-trial statement) and/or instruct that the same be sent by a sooner date.) The chambers of the presiding judge will promptly forward to the Delaware County Park Police through Superintendent Scott D. Mahoney copies of **ALL** received witness lists via email, ParkPoliceDailyCourtList@co.delaware.pa.us.

Each section and/or division of the court will as best as possible coordinate among those judges sitting on a given date start times staggered by at least thirty (30) minutes.

As is more fully detailed below, **ALL** *in-person* matters must be set for a specific hour or alternatively, that the number of interested parties, including counsel, present in a courtroom during a certain hour is no more than sixteen (16). The presiding judge may as he or she believes necessary to assure required social distancing and/or compliance with any other governmental directive designed to stem the coronavirus spread may further limit the number of persons permitted at a given time in the courtroom.

Court officers assigned to the entry door of every operational courtroom – hearing room will be tasked subject to any such specific directives of the presiding judge with the general responsibility of managing in accord with this protocol the number of people at any given moment permitted in a particular courtroom – hearing room to allow for any required social distancing. As may be necessary to assure compliance with that salient to such considerations this protocol details, court officers may temporarily prohibit entry into a courtroom – hearing room and rather direct counsel, any interested parties and/or witnesses to remain in the outer waiting area or that unused courtroom and/or another area of the courthouse complex (*E.g.* jury assembly room and/or unused courtroom) then designated for overflow purposes by the District Court Administrator.

Should a court officer observe any interested party, a lawyer and/or witness in a courtroom not observing social distancing, failing to wear a mask, and/or not following any other of the various governmental guidelines and/or that which this protocol directs, the same must be promptly reported to the presiding judge and if such personnel are present in the courtroom – hearing room, deputy sheriffs, and/or Park Police Officers.

Should a court officer observe an interested party, lawyer and/or a witness outside of a courtroom – hearing room failing to comply with salient governmental directives, including but not limited to social distancing and/or the wearing of a mask, he or she must promptly report the same to the Delaware County Park Police (Ext. 5000), as well as the judge presiding over the matter involving that party, attorney and/or witness, and if in proximity, any deputy sheriff.

The continued failure and/or refusal of an interested party, counsel and/or a witness to follow the governmental directives material to stemming the COVID-19 spread may, *inter alia*, result in any such individual's immediate removal from the courthouse-governmental complex by sworn personnel of the Delaware County Park Police and/or Delaware County Sheriff's Office. In the event a person for noncompliance with these safety measures is removed from the courthouse complex, involved law

enforcement are to promptly notify the judge presiding over the matter involving that party, lawyer and/or witness of the removal.

CRIMINAL SECTION

The nine (9) judge criminal section remains *temporarily* organized into three (3) subgroups as follows: Team A – Judges Bradley, Brennan and Amoroso; Team B – Judges Green, Capuzzi and Cappelli; and Team C – Judges Pagano, Scanlon and Pileggi. From the present through and including January 31, 2021, each team (A, B, C) during a given week will have two (2) available courtrooms for its use Monday, Tuesday, Wednesday and Friday. (There will for now be no criminal court proceedings on Thursday, unless the president judge or criminal liaison then approve an emergency listing, to allow protection from abuse (“PFA”) hearings to be divided among a number of judges as is further detailed in the current family section protocols⁶ with smaller sized lists and all such cases heard in the larger criminal courtrooms. There may on occasion be a day other than a Thursday when protection from abuse matters are scheduled and if so, that week’s PFA cases will be set on Wednesday with no criminal prosecutions for those reasons noted above listed that day (Wednesday); however, the criminal judges sitting any such week can instead schedule such matters on Thursday.) Hence, on any day of a week until April 30, 2021, no more than six (6) criminal judges will be contemporaneously in session, absent some emergent need sanctioned by the president judge or criminal liaison.

Attached and wholly incorporated by reference is a *temporary*, criminal section master calendar detailing, *inter alia*, from February through April 30, 2021, the specific six (6) criminal judges sitting weekly.

For reasons such as vacations, the attached, *interim* criminal section master calendar is subject to change with the judges among a given judicial team substituting, in whole or part, the otherwise assigned courtroom weeks.

To maximize the use of the operational criminal courts, the judge(s) listed to sit in a certain week will promptly notify the team’s other member(s) of any one-half (1/2) or greater day period when he or she does not need the courtroom so as a colleague jurist believes appropriate he or she may then list his or her case(s). If during a given week one of the judicial criminal teams (A, B, C) has no cause to utilize its courtroom for a one-half (1/2) day period or greater, the president judge and/or criminal liaison are to be promptly notified and will in turn make that courtroom available for that timeframe to a judge of another team.

The six (6) criminal judges presiding daily will continue to utilize courtroom Nos. 1, 2, 3, 4, 5 and 6. (Counsel and/or any other interested party should contact the chambers of the assigned judge to learn in a specific week what courtroom the he or she will be sitting. Alternatively, assigned courtroom inquiries can be directed to the Court Administrator’s Office (610 891-4550).)

Consistent with this judicial district's (32nd) individual calendaring system, each criminal judge will be responsible for scheduling his or her assigned cases as he or she believes appropriate, along with providing the commonwealth and defense notice of the same, excepting pretrial conference listings stemming from a defendant's formal arraignment, which in accord with long-term protocols will be designated by the Criminal Court Administrator's Office from those such dates the criminal judges have respectively provided that office.

Recognizing that the criminal judges will for now only be sitting four (4) days weekly, as well as yet just two (2) weeks in an every three (3) week team cycle, time sensitive listings, including but not limited to bail filings and/or any other type hearings which may result in a defendant's discharge from prison (*E.g.* time-served guilty pleas), although assigned to a judge may at the designated jurist's request and with the agreement of a judicial colleague be heard otherwise more timely by another judge on the designated court's judicial team.

In ongoing consultation with Jerry L. Sanders, Jr., the Sheriff of Delaware County, and his Chief Deputy, Michael A. Donohue, each the of then sitting six (6) criminal judges would be allotted daily eight (8) prisoner transportation slots with for now an aggregate daily total of no more than forty-eight (48) transported inmates among all presiding jurists, excepting Thursdays (or as applicable some Wednesdays), when because of protection from abuse lists, there are no criminal court schedulings.

EFFECTIVE IMMEDIATELY, the custodial transportation of prisoners for purposes of *in-person* listings will no longer be limited to the George W. Hill Correctional Facility (Delaware County Prison) and/or the Philadelphia County Prisons (Curran-Fromhold Correctional Facility, Philadelphia Industrial Correctional Center, the Detention Center and/or Riverside Correctional Facility), but rather will resume to include Pennsylvania State Correctional institutions, as well as other county jails (*E.g.* Montgomery County, Chester County, and/or Buck County).⁷

Absent the prior approval of the president judge and/or criminal liaison for the most extraordinarily compelling of reasons, there are **NO** exceptions to the limitation for now of no more than eight (8) inmates being transported daily from the George W. Hill Correctional Facility (Delaware County Prison) and/or some other penal institution per each sitting judge. (Regardless of whether a prisoner is in custody at the George W. Hill Correctional Facility or some other penal institution, the transportation of any such inmate is part of a judge's eight (8) transported prison daily cap.

While in-person custodial transportations are once more fairly much allowed, **ALL** counsel are yet strongly encouraged as a function of a given listing's nature, as well as those other material considerations, to timely and meaningfully discuss with each and every incarcerated client his or her participation through the available forms of ACT (advanced communication technologies), along with the obvious related, safety benefits in this still ongoing public health crisis of not having to undergo custodial transportation as needed for an *in-person* appearance.

The presiding judge should as he or she believes warranted schedule a lesser number of inmate transportation cases for any day as is reasonable in light of a given matter's nature and/or its expected

duration and the balance of those cases making up the day's list. (*E.g.* Because an inmate defendant will be participating in an expected five (5) hour suppression hearing and there are thirty-six (36) *in-person* defendant matters also listed, no other prisoners are transported from the county jail.)

While the criminal judges will continue with the individual calendaring of scheduling their assigned cases as respectively believed appropriate, each of the three (3) judicial teams has for now been assigned one (1) day each week where the entire list will be comprised of only ACT (advanced communication technology) hearings involving inmates from the county jail and/or state correctional institutions. The teams' video hearing list days are as follows: Team A (Judges Bradley, Brennan and Amoroso) – Monday; Team B (Judges Green, Capuzzi and Cappelli) – Tuesday; and Team C (Judges Pagano, Scanlon and Pileggi) – Fridays. These recurring video list hearing days may in a certain week differ from the usual Monday, Tuesday, Friday schedulings because of holiday closures with any such changes noted on the appended *temporary*, criminal section calendar. (On the attached, *interim* criminal section master calendar these video hearing list days are referenced as "V.")

Each judicial criminal team's video hearing list(s) (Mondays-Team A – Judges Bradley, Brennan and Amoroso; Tuesdays-Team B – Judges Green, Capuzzi and Cappelli; and Fridays-Team C – Judges Pagano, Scanlon and Pileggi) will begin at 9:00 a.m., unless an individual judge directs to the contrary.

With each judicial grouping presently (A, B, C) having two (2) judges sitting simultaneously, both will have respective such lists on the team's above-described video days. (*E.g.* Team A members, Judges Bradley and Brennan, will have respective lists in a given week on Monday, while that same week Judges Capuzzi and Cappelli as team B members will have their video lists on Tuesday, and team C Judges Pagano and Pileggi will during that very week have respective video lists on Friday.)

Appreciating the significantly increased volume of video proceedings in combination with the George W. Hill Correctional Facility (Delaware County Prison) having a limited number of video hearing room facilities, the judges are expected to make every reasonable effort to move forward as scheduled with all video listings and counsel for any such proceedings MUST appear on time promptly.

Although unlike the *in-person* hearing lists further described below, there is no *per se* hourly cap on the number of matters comprising a video list, it is expected that each criminal judge when crafting his or her video day list will as a function of all salient considerations structure the same to as reasonably needed allow for social distancing and/or all other governmental recommended directives aimed at mitigating the COVID-19 spread, including but not limited to specific time slot schedulings.

On ANY day the judicial criminal teams have *in-person* schedulings for those defendants at liberty on bail and/or otherwise in the community, the teams will have the following staggered start times: 8:30 a.m. – Team B (Judges Green, Capuzzi and Cappelli); 9:15 a.m. – Team A (Judges Bradley, Brennan and Amoroso); and 10:00 a.m. – Team C (Judges Pagano, Scanlon and Pileggi).

In addition to the above-described staggered commencement times of each judicial group (A, B, and C), there is for now a limit of twelve (12) *in-person* per hour listings with a daily cap of seventy-two

(72) such defendants. The presiding judge may at his or her discretion schedule a lesser number of *in-person* matters each hour and/or a daily total of *in-person* cases less than seventy-two (72) as is reasonably needed in light of a given matter's nature and/or expected duration to continually maintain the space within the courtroom and the hallway areas immediately adjacent necessary for social distancing and/or those other COVID-19 mitigation spread instructions then in place by the county, state and/or federal government. (E.g. An open guilty plea with an immediate following sentencing imposition where it is expected both the defense and prosecution will offer numerous witnesses may be the only case during a given afternoon hour scheduled with no other matters listed for that day subsequent.

Contested evidentiary hearings as the assigned criminal judge believes appropriate will yet be scheduled, including but not limited to suppression hearings and/or even non-jury trials. **ALL** these listings (*I.e.* disputed evidentiary matters) for now will be just those such cases reasonably expected to be concluded within at most a few days and certainly no later than the week a judge is listed to sit. These contested evidentiary schedulings may be conducted as the designated judge believes proper through both some manner of ACT and *in-person*. (E.g. An inmate accused appearing and participating via video conferencing while the Commonwealth's attorney, defense counsel and any witnesses are *in-person* before the presiding judge.)

Arrangements have been made for prisoners appearing and participating for purposes of a contested evidentiary hearings via ACT to contemporaneously be in contact with counsel as needed through a separate, nonrecorded line within the video room of the George W. Hill Correctional Facility. The specific details necessary to effectuating this contemporaneous and private avenue of communication between defendants and their lawyers can be obtained from Legal Audio Visual Director, Donna A. Reason (610 891-4577).⁸

While for systematic reasons the video list schedule detailed above must be followed (Team A – Monday; Team B-Tuesday; and Team C – Friday) and another day each week dedicated to an *in-person* list per that described above (E.g. no more than twelve (12) defendants per hour scheduled with a daily aggregate of not to exceed seventy-two (72)), the criminal judges as each believes appropriate may on those other days during the week he or she is sitting schedule a mix of *in-person* listings and video proceedings; however, **ALL** such video listings **MUST** be coordinated **IN ADVANCE** through the Legal Audio Visual Department's director, Donna A. Reason (Ext. 4577), to assure the prison is able to accommodate the request and the same does not conflict with another type of already scheduled ACT list such as preliminary hearings. These requests for additional ACT hearings on days other than a judge's weekly video hearing list day should be reserved for contested evidentiary hearings (E.g. PCRA's, suppressions *etc.*), time sensitive matters (E.g. bail filings) and/or any listings resulting from which a defendant is most likely to be released from custody (E.g. time-served negotiated guilty pleas).

With six (6) judges continuing to contemporaneously sit daily, a member of each judicial team then scheduled will be assigned to preside over one (1) of the three (3) weekly Rule 150 – “Fast Track” Guilty Plea video lists as the attached, *temporary* sectional calendar describes and there identified by a “GP-BW.” These assignments are rotational so on an equal basis there will be certain weeks a judge

otherwise sitting is not scheduled to cover these video hearings (Rule 150 – “Fast Track” Guilty Pleas) as his or her other team member also then listed for a court week will be presiding over the same.

Accelerated Rehabilitative Disposition (“ARD”) admissions will not for now be held monthly in large group numbers. Rather, each week the Office of the Delaware County District Attorney will forward to the Delaware County Criminal Court Administrator a list of those accused found to be proper candidates for the ARD program. The Office of the Criminal Court Administrator will promptly notify any assigned judge that those matters have been approved for ARD by the prosecution or as may alternatively be needed designate a criminal judge to such a case and then timely make aware the newly assigned jurist of the defendant’s ARD eligibility approval. The assigned judge will then schedule these pre-approved ARD cases as part of his or her regular, recurring lists.

It is strongly suggested to not occasion a continuance of the case and delay a client’s admission into the ARD program that **ALL** financial responsibilities be satisfied before any such listings. **ANY** payments necessary to ARD admission can be made in advance through Court Financial Services which for now can be sent via mail as follows: Court Financial Services – 201 West Front Street, Media, PA 19063. ***Mailed payments are limited to a check or money order. DO NOT MAIL CASH.*** ARD defendants still owing money will immediately after the in-court programmatic admission be escorted by their counsel or a court officer to the Court Financial Services Office to then remit any required payment. These *in-person* payments may be by cash, check, money order or credit card.

As has been the long-time practice, defendants on the imposition of a sentence or admission into the ARD program will immediately subsequent undergo an intake meeting with the staff of the Delaware County Adult Probation and Parole Office. This initial processing of sentenced defendants or those admitted into the ARD program will continue to take place in the basement intake office of adult probation and parole and all those just sentenced and/or placed into the ARD program will be ushered to that office by court officers for those released on bail while prisoners will be accompanied in the custody of deputy sheriffs.

The Criminal Court Administrator’s Office will relative to formal arraignments accept an otherwise properly completed waiver of arraignment packet through and including the Thursday immediately preceding the relisted date. (*E.g.* Waivers for any formal arraignments listed on January 27, 2021, will be accepted through January 21, 2021.)

The Office of the Delaware County Criminal Administrator will **CONTINUE** to conduct weekly video conferencing formal arraignments of those defendants incarcerated, as well as *in-person* formal arraignments,⁹ consistent with that office’s material protocols and/or any such applicable local rules.¹⁰

The Delaware County Criminal Court Administrator’s Office will **CONTINUE** to accept and process in accord with that office’s such salient protocols and/or applicable local rules written waivers of arraignment proffered by counsel on behalf of his or her clients.¹¹

ALL lawyers are strongly encouraged to timely and meaningfully discuss with each and every client a possible waiver of his or her formal arraignment, along with the obvious and related safety benefits in this yet ongoing public health crisis of not having to appear for such purposes *in-person* at some future date.

¹ See Orders dated April 28, 2020, p. 2; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections greater at Delco jail - Jail: Nearly half of inmates tested had virus; infection rate 50 times that of the population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“... Pa. reports biggest one-day increase since June 5... . Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increases from 23 to 32 per 100,000 persons.); July 16, 2020, Section A, pp. 1, 6 (“New Pa. limits as cases rising ... After averaging about 400 new cases a day less than a month ago, this state is now averaging close to 800. Case counts have increased in 43 counties and the percentage of people testing positive has increased in 28 counties”); July 20, 2020, Section A, pp. 1, 9 (Three (3) of the five (5) municipalities having the greatest number of Coronavirus cases per 10,000 residents within southeastern Pennsylvania are Delaware County communities.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); July 23, 2020, Section A, pp. 1, 9 (Delaware County's seven (7) day average of newly reported cases has increased 220% since June 27, 2020.); July 29, 2020, Section A, pp. 1, 6 (Since June 27, 2020, the daily average of new cases has increased 379% growing from 16 to 75.); July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday - an increase of 398% ‘We are concerned with what we have seen from Delaware County,’ ... Nate Wardell, a spokesperson from the state Health Department, said... .”); August 14, 2020, Section A, p. 1 (“... Pennsylvania Health Secretary ... cited ... Delaware Count[y] as [an] area[] in the state with high community spread of the coronavirus. Delaware County's per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); August 20, 2020, Section A, pp. 1, 3 (“... Delaware County currently has the highest [COVID-19] rate [per 100,000 residents] in the region. ...”); October 7, 2020, Section A, p. 1, 8 (“Pennsylvania ... [is] entering October with coronavirus case levels at the highest they have been since the end of spring. Since the end of August, the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania”); October 8, 2020, Section A, p. 9 (“... [S]ince the end of August the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania. Compared with a month ago, average new cases a day have jumped by more than 400 in Pennsylvania, surpassing 1,000 per day last week”); October 11, 2020, Section B, p. 2 (“Pa. virus cases hit 6-month high ... Pennsylvania reported its highest number of confirmed coronavirus infections in six months”); October 13, 2020, Section B, pp. 1, 8 (“The average number of new coronavirus infections being diagnosed in Pennsylvania ... showed no signs of slowing, even after warnings last week from officials advising the public to double down on safety practices. ... The Commonwealth was averaging 1,300 new cases a day over the last seven days Delaware [C]ount[y] [has] seen [a] rise[] in recent days. Using 14-day totals of new cases per 100,000 people, ... Delaware County went from 94 to 125”); October 16, 2020, Section A, p. 8 (“Pennsylvania reported 1,598 new coronavirus cases, the highest one-day count since April 24 and the 10th, day in a row new cases have exceeded 1,000. The commonwealth is now averaging 1,370 new cases a day, the highest daily average since April 14, right after the pandemic's first peak.”); October 23, 2020, Section A, p. 8 (“... Delaware ... Count[y] ... [has] more than 2,000 per 100,000 residents, well above the threshold the state deems safe.”); October 29, 2020, Section A, pp. 1, 3 (“Pennsylvania's fall coronavirus surge has surpassed the state's April peak in new cases, the rising metrics continued sounding alarm bells on a day when Pennsylvania's average daily number of new cases rose above 2,000 for the first time during the pandemic.”); November 5, 2020, Section B, pp. 1, 9 (“The coronavirus pandemic continued to escalate across the region daily increases are now even higher than in the springtime peak. ... [A]n infectious disease specialist ... said in an interview that the trends are dangerous, an expert's fear worse is to come.”); November 6, 2020, Section B, pp. 1, 4 (“As new coronavirus cases in Pennsylvania ... soar past levels that prompted shut downs in the spring the Pennsylvania Department of Health on [November 5, 2020] reported an unprecedented daily increase of ... COVID-19”); November 8, 2020, Section B, pp. 1, 4 (“Over the last four weeks, rates of new known coronavirus cases have at least doubled in ... every county in the Philadelphia area.”); November 10, 2020, Section B, pp. 1, 3 (“At the pandemic's eight month mark, Pennsylvania is in the midst of a streak of about 3,000 cases a day in the Philadelphia region, Delaware County has the highest positivity rate of 7.6%”); November 12, 2020, Section B, pp. 1, 1 (“A second pandemic wave is ... in the region nearly nine months after the forced shutdowns Hospitals in Delaware County in recent days became so inundated with COVID-19 that they are turning away ambulances”); November 13, 2020, Section A, pp. 1, 6 (“All five of Delaware County's hospitals were at capacity earlier this week and had to divert patients Pennsylvania reported that it had received 5,488 new positive-test results and for the first time in the pandemic it averaged more than 4,000 cases a day in the seven-day period In Delaware County, cases are close to where they were at the spring pandemic peak”); November 16, 2020, Section B, pp. 1, 5 (“Pennsylvania's daily average has increased every day since mid-October, but in November the number has soared.”); November 17, 2020, Section A, pp. 1, 1 (“With nearly 10,000 new infections reported in Pennsylvania between Sunday and Monday ... leaders across the region urged renewed intensity in the face of pandemic

fatigue... The statewide positivity rate has increased to 9.6% from 6.8%”); November 18, 2020, Section A, pp. 1, 6 (“Pennsylvania’s top health official issued a broader mask mandate, a bid to force people to wear face coverings as coronavirus case numbers continue to soar over the last four weeks rates of new known coronavirus cases have at least tripled in every county in the Philadelphia area.”); November 20, 2020, Section A, pp. 1, 10 (“... [T]he coronavirus [is] spreading faster than ever, Pennsylvania reported more than 7,000 new cases Thursday, breaking its record for the third straight day. In just two weeks, Pennsylvania has gone from an average of 2,500 new cases a day to 5,700 cases a day... ‘The county has now exceeded the highest number of COVID-19 outbreaks since the height of the pandemic.’ ”); December 4, 2020, Section A, p. 1 (“Pennsylvania shattered its record for coronavirus cases logged in a single day by a staggering amount... , reporting more than 11,000 new infections... All but eight of Delaware County’s ICU beds were filled, state data showed.”); December 10, 2020, Section A, pp. 1, 6 (“Pennsylvania officials have been considering a new statewide ban on indoor dining and mandatory closures of gyms and casinos, their most stringent steps this fall to combat soaring coronavirus cases and hospitalizations, ... Pennsylvania’s seven-day average of new cases per date neared 10,000 on Wednesday... ”); December 11, 2020, Section A, pp. 1, 6 (“Until Jan. 4, Pennsylvania will shut down indoor dining, suspend school sports and extracurriculars, close all casinos, gyms, and other entertainment venues, lower retail occupancy limits, and sharply reduce the number of people allowed to gather in one place... The new restrictions come at a point when the state’s daily case numbers have sky rocketed with more than 10,000 people newly infected each day for five out of the last eight days, ... ”); December 16, 2020, Section A, pp. 1, 14 (“... Pennsylvania reported its highest single-day death toll from COVID-19 since May and said nearly 6,300 virus patients were hospitalized across the commonwealth, twice the total from the same point last month. ... Pennsylvania surpassed 500,000 confirmed cases of the virus, reporting 9,556 new cases.”); January 9, 2021, Section A, pp. 1, 5 (“For the first time since mid-December, Pennsylvania on Friday reported more than 10,000 newly confirmed positive cases... Over 700,000 Pennsylvanians have tested positive for the virus, ... ”); and January 15, 2021, Section A, pp. 1, 2 (“January is on pace to become Pennsylvania’s deadliest month of the pandemic, ... It is a continuation of a surge that has seen more than 8,300 Pennsylvanians reported dead since Dec. 1, ... With the case surge not over yet, the death toll will keep growing; ... Philadelphia, its Pennsylvania’s suburbs, ... have all experienced surges in the death toll since the end of November, ... ”).

² See Orders dated April 28, 2020, pp. 4-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

³ See Orders dated April 28, 2020, p. 9; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q).

This court, *inter alia*, under separate emergency orders of May 27, 2020, and as continued through subsequent amended and additional emergent orders for both the civil and criminal sections had extended the cancelation of jury trials and relatedly jury duty until at least July 31, 2020. See Emergency Order – Criminal Section dated May 27, 2020; Third Emergency Order Extension – Civil Section dated May 27, 2020; Third Emergency Order Extension – Civil Section, *as Amended*, dated June 22, 2020; Emergency Order – Criminal Section, *as Amended*, dated June 30, 2020; Emergency Order – Criminal Section, *as Amended*, dated July 8, 2020; Fourth Emergency Order Extension – Civil Section, dated July 22, 2020; and Second Emergency Order Extension – Criminal Section dated July 24, 2020. The current criminal and civil section emergent orders continue this constrained cancelation of jury trials and jury duty through April 30, 2021, while directing the District Court Administrator is to continue working in concert with other salient court personnel (*E.g.* court electronic recording), as well as material county officials (*E.g.* facilities management), to finalize such a plan and implement those related necessary arrangements allowing for jury trial resumption. See Fourth Emergency Order Extension – Criminal Section dated January 22, 2021; and Sixth Emergency Order Extension – Civil Section dated January 22, 2021.

⁴ Although more specific to whether an employee will be permitted into the courthouse-government complex, the attached Chester County Health Department workforce screening materials provide at least a general overview of the assessment process the Delaware County Park Police will utilize for ALL individuals attempting to enter the county courthouse-government center.

⁵ See Orders March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q).

⁶ Fifth Emergency Order Extension – Family Section, *as Amended*, dated November 20, 2020-Attached Protocol.

⁷ The expansion of prison custodial transportation for *in-person* appearances before the trial courts to now again include Pennsylvania State Correctional Institutions and/or local county jails (E.g. Chester County, Montgomery County, and/or Bucks County) follows various discussions with the sheriff's chief deputy, as well as that office having discussed such with involved George W. Hill Correctional Facility (Delaware County Prison) personnel.

⁸ While efforts remain currently ongoing to arrange for a manner of ACT (advanced communication technology) allowing participants to withdraw from a group discussion to have any needed private conversations and then timely rejoin the collective event, the same has yet to be effectuated. As this project progresses and a more definitive timeline is hopefully in the very near future developed, such information will be shared and otherwise made known. In the interim, private telephone type contact during certain hearings can be arranged with advanced notice through the Legal Audio Visual Office (610 891-4577).

⁹ In addition to the greater number of daily inmate transportations per judge with a corresponding increased aggregate cap each day and the custodial transportations of prisoners being expanded to include the penal facilities of Philadelphia County, this protocol again also allows for the regular resumption of *in-person* formal arraignments. See Fourth Emergency Order Extension – Criminal Section dated January 22, 2021, pp. 10-11. See also Emergency Criminal Arraignment Cancellations Order dated March 18, 2020; Order Extending Criminal Arraignment Emergency Cancellations dated April 3, 2020; Second Order Extending Criminal Arraignment Emergency Cancellations dated April 28, 2020; and Third Order Extending Criminal Arraignment Emergency Cancellations dated June 22, 2020.

¹⁰ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).

¹¹ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).



COVID-19 Screening Guidance for Employers

December 8, 2020

Purpose: This guide has been developed to support the screening of employees to assess need to be excluded from the workplace and self-quarantine or self-isolate.

Procedure:

1. **Assess current symptoms, recent exposure, and travel history upon arrival:**

- Take temperature with temporal or forehead touchless thermometer
- Ask: Are you taking any medication to treat or suppress a fever?
- Ask: Are you currently waiting for a COVID-19 test result for any reason other than a required routine screening for work or a health procedure?
- Ask: Have you tested positive for COVID-19 in the past 10 days?
- Ask: In the last 14 days, have you had close contact with someone who has COVID-19? Close contact means you were within 6 feet of that person for 15 minutes or longer.
- Ask: Have you traveled in the last 14 days outside of Pennsylvania, other than for work or for medical reasons?
 - If yes: Have you received a negative COVID-19 test? Note: the specimen must have been taken 72 hours prior to arrival in PA or after arrival to PA.
- Ask: Are you currently experiencing any of the following symptoms?

Group A 1 or more symptoms	Group B 2 or more symptoms	
Cough	Sore throat	Headache
Shortness of breath	Chills	Congestion or runny nose
Difficulty breathing	Muscle pain	Nausea or vomiting
Lack of smell or taste (without congestion)	Fatigue	Diarrhea
	Fever	

"COVID-19 Symptoms" is defined as having 1 or more symptom(s) in Group A
OR 2 or more symptoms in Group B

2. **Provide Guidance (Table 1):**

Scenario	Exclusion from Workplace	Return to Work Guidance
#1 – Negative Screen	None	NA



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Scenario	Exclusion from Workplace	Return to Work Guidance
#2 – COVID-19 Symptoms	Yes	<p>Employee should be tested for COVID-19. Individuals awaiting test results should be excluded from workplace.</p> <ul style="list-style-type: none"> ➤ If test result is <u>negative</u>, return to work based on clinical criteria for alternative diagnosis. If no alternative diagnosis is known, return to work 24 hours after symptoms are improved. ➤ If test result is <u>positive</u>, follow return to work guidance for scenario #3. <p>If individual is not tested, follow return to work guidance for scenario #3 (assume employee is positive).</p>
#3 – Positive COVID-19 PCR Test <u>with</u> Symptoms	Yes	<ul style="list-style-type: none"> ➤ 24 hours with no fever and ➤ improvement in symptoms and ➤ 10 days since symptoms first appeared.
#4 – Positive COVID-19 PCR Test <u>without</u> Symptoms	Yes	<p>10 days after the PCR test was collected.</p> <ul style="list-style-type: none"> ➤ If symptoms develop during 10 days, follow return to work guidance for scenario #3.
#5 – Close Contact <u>with</u> Symptoms	Yes	<p>Employee should be tested for COVID-19. Individuals awaiting test results should be excluded from work.</p> <ul style="list-style-type: none"> ➤ If test result is <u>negative</u>, return to work 14 days after last exposure to the person with COVID-19, and symptoms have resolved. ➤ If test result is <u>positive</u>, follow return to work guidance for scenario #3. ➤ If individual is not tested and develops symptoms within 14 days of exposure, individual is considered a probable case, follow return to work guidance for scenario #3. <p><i>Additional quarantine guidance is provided below.</i></p>
#6 – Close Contact of COVID-19 <u>without</u> Symptoms	Yes	<p>14 days after the date of last exposure to the person with COVID-19.</p> <ul style="list-style-type: none"> ➤ If symptoms develop during 14 days, individual is considered a probable case, follow return to work guidance for scenario #3. <p><i>Additional quarantine guidance is provided below.</i></p>



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Scenario	Exclusion from Workplace	Return to Work Guidance
		<i>Exception: Anyone who has developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms, does not need to stay home.</i>
#7 – Yes to Travel History	Yes	10 days after return from out-of-state travel OR Negative test result from a specimen collected within 72 hours prior to returning to Pennsylvania or after arrival to PA. Note: Individual must quarantine until the negative result is received. <i>Exception: Anyone who has developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home.</i>

Guidance for Employees:

1. Notify your supervisor if you meet any exclusion from work criteria.
2. Self-monitor for symptoms.
3. Wear a face mask at all times.
4. Practice social distancing in the workplace and do not congregate in common areas.
5. Notify your supervisor and go home immediately if you become sick.
6. Do not share headsets or objects used near face.
7. Notify your supervisor of travel plans.

Employees with COVID-19 Exposure or Positive Test Result:

Individuals are notified by their physician or the Health Department about test results for COVID-19. Individuals who are a close contact of a case are notified by the case, facility where they were exposed, or the Health Department. Because tests may be false positive or false negative, some testing may need to be repeated or confirmed. If there is uncertainty about an employee’s result, have them consult their physician. If an employee receives a positive test result for COVID-19, employee should remain at home in isolation until *Return to Work Guidance* is met, regardless of symptoms. This includes essential employees.

Test results may include the following:

- Detection of SARS-CoV-2 RNA in a clinical specimen using a molecular amplification detection test (PCR)
- Detection of specific antigen in a clinical specimen



Chester County Health Department
COVID-19 Response for Chester County and Delaware County

COVID-19 Screening Guidance for Employers

December 8, 2020

Anyone who has had close contact with someone with COVID-19 and developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home. At this time, we do not know if someone can be re-infected with COVID-19. There are no confirmed reports to date of a person being re-infected with COVID-19 within 3 months of initial infection. However, additional research is ongoing. Until more is known, CDC recommends that all people, whether or not they have had COVID-19, continue to take safety measures to avoid becoming infected with COVID-19 (wash hands regularly, stay at least 6 feet away from others whenever possible, and wear masks).

Based on new information regarding antibody testing, results of antibody tests are not used for exclusion from work or return to work.

If an employee tests positive for COVID-19, the building does not need to be evacuated. An employer may choose to voluntarily close to perform a deep cleaning out of an abundance of caution. Visit <https://www.chesco.org/4437/Coronavirus-COVID-19-How-to-Help> for information on cleaning and disinfecting.

Alternative Quarantine Guidance:

The use and adherence to quarantine requirements continue to be a strong public health measure to mitigate COVID-19. Quarantining individuals breaks the transmission cycle by limiting exposure to other individuals. Therefore, the Chester County Health Department continues to recommend 14 day quarantine period as the most protective quarantine period. The Chester County Health Department recognizes the following quarantine periods as acceptable alternatives when adherence to the 14 day period is truly not possible.

The following alternative quarantine periods do NOT apply to individuals who work at, or live in, healthcare or congregate settings to include hospitals, healthcare practices/offices, long-term care facilities, correctional facilities, clinics of all sizes, shelters, group homes, etc.

Employers and organizations, including daycare/childcare centers, public/non-public schools, must determine if they will support alternative quarantine periods for their employees, those doing business with them, or receiving services from them. Employers and organizations selecting to use alternative quarantine periods as outlined below must continue symptom monitoring for the full 14 days continues, and must continue strict adherence to all existing local and state mandates and guidance (e.g., masking, physical distancing). Employers and organizations are recommended to consult their solicitor regarding any policies, procedures or protocols for requirements that may need to be in place regarding proof of negative test result and date of test when using alternative quarantine periods. Additionally, employers and organizations should update their employee and visitor screening protocol if using the alternative quarantine protocols.



COVID-19 Screening Guidance for Employers

December 8, 2020

Alternative quarantine periods when 14 days cannot be adhered to:

- Quarantine can end after day 10 without testing if an individual remains asymptomatic through the end of day 10.
- Quarantine can end after day 7 if a diagnostic specimen (e.g., RT-PCR, antigen) tests negative and is collected on day 5 or thereafter, and the person remains asymptomatic until the test result is received.

Quarantine begins after the date of last exposure (day 0) to a person with COVID-19. At no time can quarantine be discontinued before the end of day 7 even if a negative COVID-19 test result is received prior to the end of day 7.

Chester County Health Department will support PA DOH’s evaluation of these alternatives in terms of compliance with quarantine and contact tracing activities, but also for any potential negative impacts such as post-quarantine transmission.

Chester County Health Department continues to recommend that COVID-19 testing be prioritized for symptomatic persons seeking evaluation for COVID-19 infection ahead of testing for early discontinuation of quarantine.

Temperature Assessment:

The temperature considered a fever during screening differs based on how temperature is taken. Consult with the manual of the device you are using to confirm temperature for fever. Any fever reported by an employee, even if no thermometer was used, is considered symptomatic.

Mode	Temperature for fever
Axillary and temporal	99.5°F or higher
Oral	100.0°F or higher

Travel:

If an employee travels outside of the state of Pennsylvania that individual needs to quarantine for 10 days upon return to Pennsylvania OR receive a negative COVID-19 test result from a specimen collected within 72 hours of their return to PA or after arrival to PA. If symptoms develop during that time, follow above exclusion and return to work criteria. Exceptions to this include individuals traveling to and from PA for the purposes of work, for medical reasons, or military orders. Employees should notify their supervisor of travel plans prior to traveling.



Chester County Health Department
COVID-19 Response for Chester County and Delaware County

COVID-19 Screening Guidance for Employers

December 8, 2020

Anyone who has traveled outside of Pennsylvania and developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home or be retested. At this time, we do not know if someone can be re-infected with COVID-19. There are no confirmed reports to date of a person being re-infected with COVID-19 within 3 months of initial infection. However, additional research is ongoing. Until more is known, CDC recommends that all people, whether or not they have had COVID-19, continue to take safety measures to avoid becoming infected with COVID-19 (wash hands regularly, stay at least 6 feet away from others whenever possible, and wear masks).

Employers should consider potential exposure risks and consider remote work options for employees who reside in an area with travel restrictions and work in the county. Employees who reside in an area with travel restrictions and continue to work in-person should be mindful of their activities in that area, and minimize their potential exposure.

**CRIMINAL CALENDAR
2021**

	March							March															
	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W					
	1	2	3	4	5	8	9	10	11	12	15	16	17	18	19	22	23	24	25	26	29	30	31
<i>Daison Judge Bradley</i>	O	O	O	X	O	TR V	TR	TR	X	TR GP-BW	TR V	TR	TR	X	TR	O	O	O	X	O	TR V	TR GP-BW	TR GP-BW
<i>Judge Pagano</i>	TR	TR	TR	X	TR V	TR GP-BW	TR	TR	X	TR V	O	O	TR	X	O	TR V	TR	TR	X	TR V	TR GP-BW	TR	
<i>Judge Brennan</i>	TR	TR	TR	X	TR GP-BW	O	O	O	X	O	TR V	TR	TR	X	TR	TR V	TR	TR	X	TR GP-BW	O	O	
<i>Judge Green</i>	O	O	O	X	O	TR GP-BW	TR V	TR	X	TR	TR GP-BW	TR V	TR	X	TR	O	O	O	X	O	TR V	TR	
<i>Judge Capuzzi</i>	TR	TR	TR	X	TR	TR	TR V	TR	X	TR	O	O	O	X	O	TR GP-BW	TR V	TR	X	TR	TR V	TR	
<i>Judge Cappelli</i>	TR	TR	TR	X	TR	O	O	O	X	O	TR V	TR V	TR	X	TR GP-BW	TR	TR	TR	X	TR	O	O	
<i>Judge Scanlon</i>	O	O	O	X	O	TR	TR	TR	X	TR V	TR	TR	TR GP-BW	X	TR V	O	O	O	X	O	TR	TR	
<i>Judge Amoroso</i>	TR	TR	TR	X	TR	TR V	TR	TR GP-BW	X	TR	O	O	O	X	O	TR V	TR	TR	X	TR	TR V	TR	
<i>Judge Pileggi</i>	TR GP-BW	TR	TR	X	TR V	O	O	O	X	O	TR	TR	TR	X	TR V	TR	TR	TR GP-BW	X	TR V	O	O	

GP-BW = Rule 150 - Fast Track Guilty Plea Video List V = Video Hearing List Days TR = Non-Jury Trials & Hearings DC = Drug Court MHC = Mental Health Court O = Office

SPECIAL COURTS

<i>P. Judge Kelly</i>	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC	DC
<i>S. Judge Osborne</i>	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC	VC
<i>S. Judge Mallon</i>																						

Notes: Back up Judge shall secure a substitute Judge or switch weekly assignments with another Judge and notify Criminal Court Administrator of any changes.
The Judge which is presiding over GP/BW shall also secure substitute Judge for coverage if needed and notify Criminal Court Administrator of scheduling changes.
S. Judge Osborne will be presiding over Veteran's Court and Mental Health Court cases.
P. Judge Kelly will assist S. Judge Osborne in Mental Health Court and Veteran's Court as needed.
S. Judge Mallon will assist as needed.

	March							March															
	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W					
	1	2	3	4	5	8	9	10	11	12	15	16	17	18	19	22	23	24	25	26	29	30	31
VIDEO TEAM	A	B	X	X	C	A	B	X	X	C	A	B	X	X	C	A	B	X	X	C	A	B	X

TEAM A: Judge Bradley, Judge Brennan, Judge Amoroso TEAM B: Judge Green, Judge Capuzzi, Judge Cappelli TEAM C: Judge Pagano, Judge Scanlon, Judge Pileggi

